

EXHIBIT 4

From: "Rachel Roberts"

Subject: RE: Coffee County Response to GBI Administrative Subpoena; Case # 46-0001-42-23

Date: October 24, 2022 at 2:01:34 PM EDT

To: "Jennifer Dorminey Herzog" <jherzog@hallboothsmith.com>

Looks ok to me.

From: Jennifer Dorminey Herzog <jherzog@hallboothsmith.com>

Sent: Monday, October 24, 2022 1:00 PM

To: arowell@hallboothsmith.com; Nick Kinsley <NKinsley@hallboothsmith.com>; Stephen Delk <SDelk@hallboothsmith.com>; Rachel Roberts <Rachel.Roberts@coffeecounty-ga.gov>; Vickers, Tracie <Tracie.Vickers@coffeecounty-ga.gov>; Vickers, Wesley <Wesley.Vickers@coffeecounty-ga.gov>

Subject: RE: Coffee County Response to GBI Administrative Subpoena; Case # 46-0001-42-23

Below is what I am planning to send to GBI this afternoon (working on organizing and scanning in all the documents now). Please review carefully and confirm everything stated therein is correct – and let me know asap if any changes. Thanks!

Good afternoon. Please find attached the following documents responsive (along with below explanation) to the GBI's subpoena to Coffee County ("CC") and the Coffee County Board of Elections and Registration ("CCBOER"):

I. In response to I. in Attachment A, please find attached agendas and minutes from CCBOER Nov. 2019 to July 2021. I have been advised by the Election Supervisor there are no transcripts or recordings of those meetings in the possession of the Board. Also attached is a copy of the Coffee County Board of Election and Registration's enabling legislation and bylaws.

II. In response to II. in Attachment A, *except with regard to documents involving the specific individuals referenced and/or documents related to the November 2020 election more specifically discussed below (that may have occurred before or after that election)*, you have agreed to narrow your request to the time period June 1, 2020 – June 1, 2021 any responsive communications or any other documents. As we discussed previously, IT has exhausted efforts and unable to access Hampton or Ridlehoover emails (with the exception of emails that may have been sent to other current Coffee employees, which were searched for through those employees current accounts.) It is my understanding that the Coffee County Board of Election and Registration members, with the exception of Chairwoman Earnestine Thomas Clark, do not have county issued email addresses.

a. With regard to your request for Policies/manuals/instructions/training materials, etc re: “governing access to and authorized use of government-owned buildings and equipment” generally applicable to all Coffee County buildings/equipment and/or specifically to Coffee County elections office/equipment during November 2020 (you confirmed you do not desire to obtain materials only applicable to one of Coffee County’s other government-owned buildings (like the courthouse)), there are no documents specific to Coffee County of which we are aware that would govern access to the elections office and/or elections equipment. Generally, access to elections equipment is governed by the Georgia Code and the Rules and Regulations of Georgia. Those may be accessed here:

<https://rules.sos.ga.gov/gac/183-1>

<https://advance.lexis.com/container?config=00JAAzZDgzNzU2ZC05MDA0LTRmMDItYjkzMS0xOGY3MjE3OWNlODIKAFBvZENhdGFsb2fcIFfJnJ2IC8XZi1AYM4Ne&crid=262078d7-cd50-4462-aca6-6dd7105cfe7b&prid=d1ef0e4a-f560-4a3f-bca1-09d66269998b>

b. Please find attached personnel files for prior employees Hampton and Ridlehoover. Eric Chaney file is also provided. Voyles does not have a personnel file as he was not a paid board member.

c. On September 9, 2022 Agent Chris Baldwin took possession of Misty Hampton's County issued iphone.

d. Also previously produced to the GBI video footage from 4 interior cameras in the CCBOER office during the period of 11/15/2020 – 2/26/2021, and one exterior camera.

e. Emails for Misty (under name Misty Hampton, Misty Hayes, Misty Marin), Jill Ridlehoover, Ed Voyles and Eric Cheney located by the County Clerk on the archiver during the time period requested will be sent under separate cover. The Current Board of Elections and Registration members and current Election Supervisor were also provided a copy of the subpoena and asked to provide responsive documents, any of which were provided are included herein.

III. In response to III. in Attachment A:

a. Documents evidencing what equipment was retrieved and/or replaced by the SOS in during Fall 2022 will be provided under separate cover.

b. We have not located any similar documents describing when the equipment used in the Nov. 2020 election was originally delivered and/or documenting how/when the ICC scanner and server was replaced in early 2021.

c. Per the County Manager and Election Supervisor:

i. Since the elections office is a county building, keys are issue to responsible parties. The building remains locked when no one present and the general public would not have access to certain interior areas unless someone in the election office gave that access. There is no general log kept for visitors of the election's office, but I have attached logs for the interior rooms provided by the Election Supervisor.

ii. As to equipment, there is no written policy local to Coffee County of which we are aware. Equipment

used for voting is provided by the Secretary of State. This would include the voting machines, printers, poll pads, EMS server, and the machines that read the paper ballots. The County does provide personal computers that may be used by poll workers to check voters in. I have been advised no documents have been located indicating the county has paid for any of the voting equipment. The County does have a maintenance agreement with Dominion for some (not all) of the voting equipment – based on the fact that it is the County’s responsibility to replace the equipment if there is an issue.

The documents contained in this response may contain certain attorney client privilege and/or attorney client work product documents. We produce what we view as benign communications to you with the understanding that reserve the right to object to their production outside of the GBI to preserve the privileges, as necessary.

GBI has previously agreed that we will have a “rolling production” of documents to this subpoena – we will produce the documents we believe responsive for the topics and time periods outlined above, and then if there are any further documents you wish to seek after this initial production then upon your request we will so provide.

Thanks everyone!

Jennifer Dorminey Herzog

Attorney at Law | Hall Booth Smith, P.C.

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From: Curtis, Philip <philip.curtis@gbi.ga.gov>
Sent: Friday, October 21, 2022 3:41 PM
To: Jennifer Dorminey Herzog <jherzog@hallboothsmith.com>; Whidby, Brian <Brian.Whidby@gbi.ga.gov>
Cc: Anthony A. Rowell <ARowell@hallboothsmith.com>; Nick Kinsley <NKinsley@hallboothsmith.com>; Stephen Delk <SDelk@hallboothsmith.com>; Baldwin, Chris <chris.baldwin@gbi.ga.gov>
Subject: RE: GBI subpoena to Coffee County

In response to email paragraph 1, you're correct. The request may be narrowed to all materials "governing access to and authorized use of government-owned buildings and equipment" generally applicable to all Coffee County buildings/equipment and/or specifically to Coffee County elections office/equipment during November 2020. Providing materials only applicable to one of Coffee County's other government-owned buildings (like the courthouse) is not requested.

As to the pending open records request, again you're correct. OCGA 50-18-72(a)(4) is applicable as the GBI's criminal case remains a pending investigation.

Philip D. Curtis | Managing Attorney
Legal Division | Georgia Bureau of Investigation
3121 Panthersville Road | Decatur, GA 30034
C: (470) 656-9976 | E: philip.curtis@gbi.ga.gov

From: Jennifer Dorminey Herzog <jherzog@hallboothsmith.com>
Sent: Friday, October 21, 2022 2:15 PM

To: Curtis, Philip <philip.curtis@gbi.ga.gov>; Whidby, Brian <Brian.Whidby@gbi.ga.gov>

Cc: Anthony A. Rowell <ARowell@hallboothsmith.com>; Nick Kinsley <NKinsley@hallboothsmith.com>; Stephen Delk <SDelk@hallboothsmith.com>; Baldwin, Chris <chris.baldwin@gbi.ga.gov>

Subject: RE: GBI subpoena to Coffee County

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, in response to your below email I did want to clarify – the elections office is a building separate from the other county offices. Therefore, your request as worded below will likely contain documents beyond what you are seeking. By way of example, there is a Courthouse Security Plan that governs access to the County Courthouse (containing the judge's offices, tax commissioner, tax assessor, county commission, etc.). Likewise, there may be certain policies that govern access to the Sheriff's office and jail and others than govern access to Coffee 911. These are just a few examples, but based on your email below, since these are all county buildings, those type of documents I believe would be responsive to the request as worded (even though unrelated to the elections office). However, what I am understanding you to be seeking is documents that would govern access to the elections office and/or access to the elections equipment. Is that correct? We are working to collect and be able to produce documents electronically to you all early next week. As we discussed, this likely will be a "rolling" production.

Secondly, I wanted to advise that we have just received the below open records request from Washington Post for a copy of this subpoena. I intend to respond and object to its production under the authority of OCGA 50-18-72(a)(4). Philip, is there any other authority I should add for objecting to production of the subpoena (or future requests for other communications between County and GBI?)

Thanks,

Jennifer

Jennifer Dorminey Herzog

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From: Brown, Emma Emma.Brown@washpost.com

Sent: Friday, October 21, 2022 1:44 PM

To: Vickers, Tracie Tracie.Vickers@coffeecounty-ga.gov; Jennifer Dorminey Herzog jherzog@hallboothsmith.com

Subject: Wash Post open records request

Dear Ms. Vickers and Ms. Herzog,

I'm reaching out to request the following documents under Georgia's open records act:

Copies of any subpoenas from any agency served on Coffee County, its commissioners, election board members or other employees, in their official capacity, related to the imaging of county voting equipment on Jan. 7, 2021.

Thank you,

Emma Brown



From: Curtis, Philip <philip.curtis@gbi.ga.gov>
Sent: Tuesday, October 11, 2022 10:58 AM
To: Jennifer Dorminey Herzog <jherzog@hallboothsmith.com>; Whidby, Brian <Brian.Whidby@gbi.ga.gov>
Cc: Anthony A. Rowell <ARowell@hallboothsmith.com>; Nick Kinsley <NKinsley@hallboothsmith.com>; Stephen Delk <SDelk@hallboothsmith.com>; Baldwin, Chris <chris.baldwin@gbi.ga.gov>
Subject: RE: GBI subpoena to Coffee County

Good morning,

Thank you for the email below and taking the time to discuss this subpoena with us on Friday, October 7, 2022.

The email below appropriately summarizes our call. In response to number 3, however, please also provide all materials that generally inform “governing access to and authorized use of government-owned buildings and equipment”(not just elections equipment) in Coffee County during the November 2020 timeframe.

Please don't hesitate to contact me with any additional question/ concerns.

Philip D. Curtis | Managing Attorney

Legal Division | Georgia Bureau of Investigation
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From: Jennifer Dorminey Herzog <jherzog@hallboothsmith.com>
Sent: Friday, October 7, 2022 1:52 PM
To: Curtis, Philip <philip.curtis@gbi.ga.gov>; Whidby, Brian <Brian.Whidby@gbi.ga.gov>
Cc: Anthony A. Rowell <ARowell@hallboothsmith.com>; Nick Kinsley <NKinsley@hallboothsmith.com>; Stephen Delk <SDelk@hallboothsmith.com>; Baldwin, Chris

[<chris.baldwin@gbi.ga.gov>](mailto:chris.baldwin@gbi.ga.gov)

Subject: RE: GBI subpoena to Coffee County

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Thank you for taking the time to speak with us this morning with regard to the attached subpoena. Per that discussion, it is my understanding that although you will not reissue the subpoena at this time, you agree with the following modifications/clarifications. Please do respond if there is anything I have misunderstood or misstated, or we will assume my below correspondence is an accurate representation of what was verbally discussed and agreed upon during our call, as follows:

1. The subpoena is directed to the Coffee County Board of Commissioners but you all desire to seek records also in the custody of the Coffee County Board of Elections and Registration and their staff.
2. Coffee County has previously produced a copy of certain documents and video records to Agent Baldwin and we will not plan to re-produce those unless otherwise requested.
3. I understand that you seek to obtain any training manuals and any other documents that give direction with regard to the training/use of elections equipment applicable to the Nov. 2020 election, including who had access to the equipment.
4. We will produce agenda and minutes from the Coffee County Board of Elections and Registrations meeting from Nov. 2019-July 2021.
5. I understand you would like to obtain personnel files for the named individuals in the subpoena (Hampton, Ridlehoover, Chaney and Voyles). For any Board members for which personnel files are not maintained, we will provide any training records in Coffee County's possession for any time period they served on the Coffee County Board of Elections (those training documents should likewise be in Ridlehoover and Hampton's

personnel files, as applicable).

6. I understand you would like to obtain copies of the documents that evidence what equipment was retrieved and/or replaced by the SOS in the last few weeks during Fall 2022, and likewise if any such documents are in existence describing when the equipment used in the Nov. 2020 election was originally delivered and/or the server/scanner replaced in early 2021 would like to obtain a copy of same.

7. I understand you would like to clarify and request any documentation that evidences whether the election equipment is owned by the SOS or the County, and whether the County paid any funds for the election equipment used in Nov. 2020.

8. For II. In Attachment A, except with regard to documents involving the specific individuals referenced and/or documents related to the November 2020 election more specifically discussed above (that may have occurred before or after that election), with regard to any communications or any other documents you agree we will initially search the time period June 1, 2020 – June 1, 2021. As discussed during our call, IT has exhausted efforts and unable to access Hampton or Ridlehoover emails (with the exception of emails that may have been sent to other current Coffee employees, which we can search for through their accounts. It is my understanding that the Coffee County Board of Election and Registration members, with the exception of Chairwoman Earnestine Thomas Clark, do not have county issued email addresses.

9. You agree that we will have a “rolling production” of documents to this subpoena – we will produce the documents we believe responsive for the topics and time periods outlined above, and then of course if there are any further documents you wish to seek after this initial production we will so provide.

As mentioned, I will be out of the office next week and will not be available by phone/email but if you need immediate assistance during this time period please reach out to Nick Kinsley at [REDACTED] and he is also copied here. We will endeavor to have the documents provided to you electronically on or before 10/24/22.

Thanks,

Jennifer

Jennifer Dorminey Herzog

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From: Whidby, Brian <Brian.Whidby@gbi.ga.gov>

Sent: Thursday, October 6, 2022 11:21 AM

To: Jennifer Dorminey Herzog <jherzog@hallboothsmith.com>

Cc: Baldwin, Chris <chris.baldwin@gbi.ga.gov>; Curtis, Philip <philip.curtis@gbi.ga.gov>

Subject: GBI subpoena

Ms. Herzog, Please see the attached subpoena for items related to the GBI investigation in Coffee County. If you have any questions please feel free to reach out to me, Agent Chris Baldwin or GBI Managing Attorney Philip Curtis (both are cc'd on this email) Thank you, Brian

Brian Whidby
Special Agent in Charge
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